

Infosino - Serial No.: 09/391,844

**REMARKS**

The Office Action of July 8, 2002 has been carefully reviewed and these remarks are responsive thereto. Claims 1-10, 13-31, 44-50 have been canceled without prejudice or disclaimer. Claims 36-43 remain pending in the present application. No new matter has been added. Reconsideration and allowance of the application as amended is respectfully requested.

**Examiner Interview**

The applicant wishes to express appreciation to Examiner Taylor for granting an interview to discuss the present application. In particular, several references were discussed including U.S. Pat. No. 6,315,195 to Ramachandran, U.S. Pat. No. 6,012,636 to Smith, and U.S. Pat. No. 5,748,737 to Daggar. Daggar was discussed because of a smart card reader 210 was attached to a wallet card holder 450. In sum, the art had several deficiencies for the inventive universal card. Smith, Ramachandran, and Daggar do not teach any device disposed on a universal card which writes first identification account data and second account identification data to a universal card with a magnetic storage region. Neither does Smith, nor any other reference of record, teach or suggest a card having a control and a re-writeable magnetic storage coupled to the memory for a user selection of data.

**Claims 36-43**

Claims 36 through 43 have been allegedly rejected under 35 U.S.C. § 103(a) over U.S. Pat. No. 6,315,195 to Ramachandran in view of U.S. Pat. No. 6,012,636 to Smith. The references of record clearly do not teach the inventive universal card as recited in claims 36 through 43.

It is respectfully asserted that the Office Action is a *premature final rejection* of the claims 36-43. See MPEP 706.07(a). The Office Action has introduced a new ground of rejection of claims 36-43 which **was not** necessitated by applicant's amendment, **nor** submission of an information disclosure statement. Claims 36-43 **was not** amended with the last response filed on January 31, 2002. Indeed, a new grounds of rejection initiated by the Office have changed from allegedly 35 U.S.C. § 102(e) of Smith to 35 U.S.C. § 103(a) under a **new** alleged combination of a **new reference**

Infosino - Serial No.: 09/391,844

of **Ramachandran** in view of Smith. Under these circumstances, the final rejection is clearly **improper**. It is respectfully requested that the final rejection be withdrawal (See MPEP 706.07(a) and 706.07(c)).

The applicant has invented a unique and different universal card as at least described in the summary of the invention on page 4 and page 10 of the application and shown in Figure 1A and 1B. The present invention as at least recited in independent claim 36 pertains to a **universal card** which comprises a memory which stores account identification data such as a first account identification data and a second account identification data. A **control** is coupled to the memory which allows the user to select either the first account identification data or the second account identification data in the memory. The card further comprises a re-writable magnetic storage region which is **coupled to the memory**. This re-writable magnetic storage region is incorporated with the universal card and is different from the memory. The **card** further comprises a device which **writes** either first or the second account identification data responsive to the control **to the magnetic storage region**. This card can be used with separate equipment to read the first or the second account identification data from the magnetic storage region. Thus, in one exemplary embodiment in accordance with claim 36, a user is provided with the convenience and portability of using a universal card to emulate at least first account identification data or second account identification data associated with other cards. The user need only carry one universal card, instead of many other cards. Advantageously, in one exemplary embodiment of a universal card in accordance with claim 36, a **single** universal card can be **selectively controlled** by the user with a control retained with the card to **selectively** emulate, for example, a credit card, debit card, automatic teller machine (ATM) card, employee identification card, student identification card, building access card, club membership card, airline frequent flyer card, grocery store discount card, department store account card, telephone card, video rental card, public transportation fare card, and the like.

With respect to claims 36-43, the Office Action relies on an asserted combination of Ramachandran and Smith. The Office Action correctly concedes that Ramachdran **fails** to teach a **universal card** having a processor, memories for storing data pertaining to other cards, a

Infosino - Serial No.: 09/391,844

reading/writing device and a fingerprint reader. (See Office Action, pg. 4, para. No. 6). Smith fails to make up for the deficiencies in Ramachandran as well.

The Office Action allegedly states that Smith has a device 22 with the noted features and asserts device 22 is a card. On the contrary, device 22 in Smith is stated as merely a **device management device**(see col. 7, lines 66-67 and col. 8, lines 1-2). The Office Action at page 5 has stated that the device management device 22 and user card 10 are physically integrated as one entity. The Office Action refers to col. 17, lines 1-44 of Smith (see Office Action at page 5, second paragraph and page 6 numbered para. 10). However, Smith is **clearly devoid** of this alleged teaching. There is **no** suggestion, nor any embodiment of a one entity of the data management device 22 and user card 10 in Smith as alleged in the Office Action. The referenced col. 17, lines 1-44 of Smith merely recites features of a data management device for a so-called multiple card data system. This is evidenced at least, as stated in Smith, the data management device 22 includes a "slot 24 in the device 22 is for insertion of a user card 10" (col. 8, lines 34-35)(emphasis provided). Figure 4B shows this data management device 22 has the slot 24 and Figure 4B shows the user card 10 going into this slot 24 of this so-called data management device 22. This user card 10 is removed from the device 22 by the user.

Further evidenced that there is **no** suggestion of a one entity data management device 22 and user card 10 is shown in the Abstract of Smith. In the Abstract, Smith states the data management device transfers provider data of one card to make a clone of that provider's card on another user data card. There is **no teaching, nor any suggestion** in Smith of integrating features of a processing, memories for storing data pertaining to other cards, a reading/writing device and control in an universal card as alleged in the Office Action. Therefore at least the noted reasons, the Office Action has failed to state a *prima facie* case of obviousness and rejection must be withdrawn. Accordingly, claims 36-43 are allowable at least on this basis.

Furthermore, neither Ramachandran nor Smith teach or suggest a **universal card** comprising a control coupled to a memory which allows the user to select either first account notification data or the second identification data in the memory. Therefore, if even somehow Ramachandran or Smith

Infosino - Serial No.: 09/391,844

were combined, the present invention would **not** be disclosed. Hence, claims 36-43 are allowable at least on this basis.

Furthermore, neither Ramachandran nor Smith teach or suggest a universal card comprising a device which writes either first or the second account identification data responsive to the control to a magnetic storage region as recited in claim 36. Therefore, if even somehow Ramachandran or Smith were combined, the present invention would **not** be disclosed. Hence, claims 36-43 are allowable at least on this basis.

Moreover, the Office Action has improperly combined references for arriving at the inventive card as claimed. Specifically, there is absolutely no motivation, nor any suggestion as alleged to combine Ramachandran and Smith to arrive at the inventive universal card recited in claims 36-43. Further, the Office Action has alleged assertions of "functional cards containing processing, memory, keypads are well known in the art". (Office Action, page 5, paragraph 3). Smith **fails** to disclose any suggestion or embodiment to provide a card with features as alleged. Further, it is respectfully submitted that none of the references of record teaches any motivation for the statement "having just the card ..., the device." (Office Action, page 5 para. 3) This is an unsupported statement not found in any reference of record. See MPEP 2143.01. As clearly held by the U.S. Court of Appeals for the Federal Circuit, "[i]t is impermissible to use the claimed invention as an *instruction manual* or *template*" to *piece together* the teaching of the prior art ... to pick and choose among isolated disclosures ... to deprecate the claimed invention." *In re Fritch*, 972 F.2d 1260, 1266 (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (emphasis added)). With respect to claims 36-43, the art of records fails to teach or suggest the noted inventive features.

It respectfully asserted that all pending claims are allowable.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number. If any additional fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No.

Infosino - Serial No.: 09/391,844

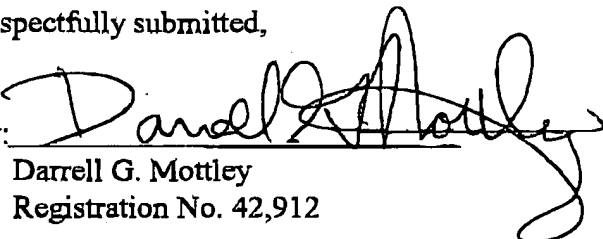
19-0733.

Date: December 9, 2002

BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001  
(202) 508-9100

Respectfully submitted,

By:

  
Darrell G. Mottley  
Registration No. 42,912

FAX RECEIVED

DEC 9 2002

TECHNOLOGY CENTER 2800